

Testimony on House Bill 2493
to
House Agriculture and Natural Resource Committee

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Good afternoon, Chairman Powell and members of the committee. I am Constantine Cotsoradis, deputy secretary of agriculture, and I am here in opposition to House Bill 2493.

This bill repeals K.S.A. 2009 Supp.82a-303b which includes specific provisions regarding the classification of dams, requirements of owners of high hazard and significant hazard dams to have their dams inspected on a three or five year cycle, respectively and authorizes the chief engineer to access private property to inspect dams and other obstructions. Whether or not dams should be classified based on their risk to human life and property and whether or not those dams should be inspected is a policy of the legislative branch of government. Our responsibility is to advise you on the impact of the proposed legislation and to carry out those duties authorized by you.

To that extent, this bill will remove all requirements for the inspection of high and significant hazard dams. These dams are classified as such because human lives are likely to be lost if the dam fails. The path of the water escaping such a dam would encompass homes, roads and property if the dam failed.

Requiring high and significant hazard dams to be inspected does not guarantee a dam will not fail, but regular inspections often identify and remedy problems that would lead to critical failures before they happen.

Dams not inspected on a regular basis have a higher probability of failing than those that are inspected. As you can see from the map provided, the consequence of a high or significant hazard dam failing is dire and potentially catastrophic.

Without the requirement to have owners responsible for inspection of their dams, existing dams will likely deteriorate to an unsafe condition. Additionally, without the power to inspect dams, the chief engineer will not be able to fulfill his duties under the act to regulate dams and other stream obstructions.

Dam classifications are not just used to inspect dams, but it is an important criterion in designing dams. Removing the requirement for dam classifications could impact not only the safety of existing dams, but new dams yet to be constructed.

The public has an expectation dams and other obstructions are regulated and safe, but that expectation will not be met if this bill becomes law.

I will answer questions at the appropriate time.